

## **REMARKS**

### **The Advisory Action**

In the Advisory Action mailed October 13, 2011, the Examiner refused entry of the previously made amendments and remarks, filed on September 30, 2011, holding in section 11 thereof that they do not overcome the rejections made of record in the Office Action of August 3, 2011.

Specifically, the Examiner advances the opinion that the cited prior art patent of Alert, 5,728,373, in addition to teaching protective compositions for the prevention of UV-induced skin damage, also teaches compositions which “are suitable for the treatment of UV-induced skin damage”. In this regard the Examiner cites to a first passage in Alert at column 2, lines 34-37. Applicant presumes that this is a typographical error and the citation is correctly made to column 2, lines 43-47 as in the prior Office Action.

In the Advisory Action, the Examiner states that Alert et al. clearly teaches treatment of UV-induced skin damage and that such treatment of wrinkles associated with UV-induced skin damage is encompassed by the instant claims.

First of all it should be noted that the claims of the present application are limited to methods of reducing visible signs of fine lines on the skin, thus the application does not broadly claim treatment of wrinkles. While the prior art refers in a very broad sense to the treatment of skin conditions, it does not at all show or suggest that specifically disclosed materials have any efficacy in reducing the visible signs of fine lines on the skin.

The general term “treatment” does not suggest, and is not confined to, the meaning “reducing a symptom”, but has a much broader meaning. Thus treatment may for example be

prophylactic treatment, supportive treatment, ameliorating treatment, abortive treatment or curative treatment (see e.g. enclosed description from Wikipedia).

Prophylactic treatment of UV-induced skin damage, as taught in Alert, is aimed at reducing the risk of **acquiring** UV-induced skin damage. As pointed out in the previously filed response of September 30, for example at pages 9-10, prevention of UV-induced skin damage is very different from reversal of previously incurred UV-induced skin damage as is the case in the present invention.

Supportive or ameliorating treatment such as that of Alert does not treat the underlying condition, but instead increases the patient's comfort. UV-induced skin damage may be the result of a number of different conditions including e.g. benign and malignant skin tumours, such as malignant melanoma (see e.g. enclosed review by Ichihashi et al.). Thus, supportive or ameliorating treatment of UV-induced skin damage could for example be amelioration of the symptoms associated with malignant melanoma. That a given compound is effective in supportive or ameliorating treatment does in no way indicate that said compound also is useful in **reversal of already existing UV-induced skin damage** as is the case with the presently claimed method of reduction of the visible signs of fine lines on the skin.

Abortive treatment of UV-induced skin damage is treatment intended to stop the UV-induced skin damage from progressing further. Stopping UV-induced skin damage from progressing further is very different from reducing already existing UV-induced skin damage.

Thus, the description in Alert et al. that thiols may be suitable for treatment of UV-induced skin damage in no way discloses or even hints at that captopril or other ACE inhibitors are capable of reversal of fine lines resultant from UV-induced skin damage which has already occurred.

When reading Alert et al. in its entirety, it is clear to the skilled reader that Alert et al. focuses on **prophylactic or abortive** treatment. Nowhere does Alert et al. describe or even hint at **curative** treatment. In contrast prophylaxis is described throughout the document. For example in col. 1, l. 11 it is stated that “The present invention relates to light protection agents”.

Moreover, in col. 2, l. 15-23 the function of the described thiols is described. It is described that the thiols or thiol derivatives:

- Provide better protection against damage by UV radiation
- Act better as an antioxidant
- Act better as an agent which traps free radicals
- Prevent bonding of harmful photoproducts to lipids, DNA and proteins to a better extent

In col. 1, l. 44- it is described that UV radiation can lead to photo-chemical reactions, which for example may be formation of free radicals.

Thus ALL of the effects of the thiol or thiol derivatives described in the application are aimed at providing protection against damage directly by UV radiation or protection against damage from compounds arising from the UV radiation.

Thus, even if Alert et al. describes treatment of UV-induced skin damage, this generic description in no way points to a particular effect in relation to reducing already occurred UV-induced skin damage.

In the office action, the Examiner states that Chatterjee describes that UV-induced skin damage is a predominant cause of skin wrinkling. It should however be noted that UV-induced skin damage also may be a number of other conditions, predominantly benign or malignant skin tumors. This fact is recognized by Ichihashi et al. in the enclosed review which states that UV

radiation is responsible for skin tumor development and possibly for photoaging. Thus, it appears that the majority of UV-induced skin damage is benign or malignant skin tumours.

Even if Alert et al. describes treatment of UV-inducing skin damage there is nothing in Alert et al. that indicates that the thiols mentioned therein are particularly useful for the reduction of the visible signs of fine lines on the skin.

Thus, whereas Alert et al. generically discloses that thiols in general may be useful for treatment of UV-induced skin damage in general, absolutely nothing in Alert et al. point towards that captopril or other ACE inhibitors are specifically useful for reduction of fine lines on the skin. In fact Alert et al. teaches away from this by emphasizing that thiols are effective in a protective manner (see herein above).

Accordingly it is respectfully submitted that the current claims are directed to subject matter which is neither shown nor suggested in Alert et al. taken either singly or in combination with Chatterjee et al.

#### **Claims 8 and 10 Are Further Patentable**

As discussed on page 12 of the response to final rejection filed September 30, 2011, claims 8 and 10, which depend from claim 1, were not subject to any rejection under 35 U.S.C. §103. The sole rejection of these claims was with regard to enablement under 35 U.S.C. §112, first paragraph.

Claim 1 has now been amended to include all of the limitations of previously pending claim 27, which was not rejected as lacking enablement, and is not subject to any rejections under 35 U.S.C. §112 . Claims 8 and 10 are per se allowable. Applicant reiterates this point since it was not addressed in the Advisory Action.

**Amendments to the Claims**

In section 3 and section 4 of the Advisory Action the Examiner notes that the previously submitted amendment was noncompliant insofar as page 3 of the amended claims is missing. Applicant submits herewith a fresh copy of the amended claims including all pages and apologizes for any inconvenience.

**Conclusion**

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance. Any questions, comments, or suggestions the Examiner may have which will place the application in still better condition for allowance should be directed to the undersigned attorney.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

Dated:

Respectfully submitted,

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